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EXAMINER

EL CHANTI, HUSSEIN A

ART UNIT PAPER NUMBER

2157

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/904,394

Applicant(s)

RAVERDY ET AL

Examiner

Hussein A. El-chanti

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 45-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 45-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to amendment received on Nov. 14, 2005. Claims 45-55 are pending examination.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 46 and 52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims state "the user community being defined by the or each identified common user characteristic". Examiner interprets the claim to be "the user community being defined by the identified common user characteristic".

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 45-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Glorikian, U.S. Patent No. 6,772,213.

As to claim 45, Glorikian teaches a method comprising:

receiving a plurality of logon requests at a server that offers at least one service associated with an entertainment event, the event being at a particular location and being attended by a plurality of persons, each logon request being from a portable electronic device operated by a person physical attending the event, each logon request comprising device profile information associated with the portable electronic device making the logon request, each logon request further comprising user profile information associated with the person using the portable electronic device making the logon request (see col. 16 lines 56-col. 17 lines 37 and col. 18 lines 13-41, users log-on a server with a user profile saved in a database on the server);

in response to the logon requests, using the server to provide logon data to each portable electronic device making one of the logon requests, the logon data enabling each logged on portable electronic device to access each service offered by the server (see col. 7 lines 60-col. 8 lines 50, the portable device accesses information according to the location of the device); and

receiving, during the event, from at least a portion of the portable electronic devices logged on the server, feedback information associated with a particular service offered by the server, the feedback being input to the logged on portable electronic devices by persons attending the event (see col. 7 lines 60-col. 8 lines 50 and col. 17 lines 55-67, the user is presented with information according to the change in location of the mobile device).

As to claim 46, Glorikian teaches the method of claim 45 further comprising: analyzing the user profiles associated with the persons using portable electronic

devices logged on the server to identify at least one common user characteristic; and based on the analyzing, automatically grouping at least a portion of the persons using logged on portable electronic devices into a user community, the user community being defined by the or each identified common user characteristic (see col. 11 lines 58-col. 12 lines 3).

As to claim 47, Glorikian teaches the method of claim 45 further comprising: providing streaming content to a particular one of the portable electronic devices in response to receiving feedback information from the particular portable electronic device (see col. 7 lines 60-col. 8 lines 50).

As to claim 48, Glorikian teaches the method of claim 45, wherein the logon requests each comprise the particular location of the entertainment event (see col. 7 lines 60-col. 8 lines 50).

As to claim 49, Glorikian teaches a method comprising: receiving a plurality of logon requests at a server that provides a plurality of services associated with an entertainment event, the event being at a particular location and being attended by a plurality of persons, each logon request being from a portable electronic device operated by a person physically attending the event, each logon request comprising user profile information associated with the person using the portable electronic device making the logon request; analyzing the user profiles associated with the persons using portable electronic devices logged on the server to identify at least one common user characteristic; based on the analyzing, automatically grouping at least a portion of the persons using logged on portable electronic devices into a user community, the user

community being defined by each identified common user characteristic; automatically offering a particular one of the services to each person in the user community, the service offered being based on at least one of the common user characteristics that define the user community; and receiving, during the event, from at least a portion of the portable electronic devices operated by persons in the user community, feedback information associated with the offered service (see col. 7 lines 60-col. 8 lines 50, col. 16 lines 56-col. 17 lines 37 and col. 18 lines 13-41).

As to claim 50, Glorikian teaches the method of claim 49 further comprising: providing streaming content to a particular one of the portable electronic devices in response to receiving feedback: information from the particular portable electronic device (see col. 7 lines 60-col. 8 lines 50).

As to claim 51, Glorikian teaches the method of claim 49, wherein the logon requests each comprise the particular location of the entertainment event (see col. 7 lines 60-col. 8 lines 50).

As to claim 52, Glorikian teaches a method comprising: receiving information from a plurality of portable electronic devices operated by persons physically attending an entertainment event, the event being at a particular location; analyzing the received information to identify at least one common characteristic shared by at least a portion of the persons operating the portable electronic devices; grouping persons who share the or each common characteristic into a user community; offering a service to the persons in the user community, the offering being made via the portable electronic devices operated by the persons in the user community, the service being associated with the

event; and receiving, during the event, from at least a portion of the portable electronic devices operated by persons in the user community, feedback information associated with the offered service (see col. 7 lines 60-col. 8 lines 50, col. 16 lines 56-col. 17 lines 37 and col. 18 lines 13-41).

As to claim 53, Glorikian teaches the method of claim 52: wherein the offered service comprises providing streaming content, the streaming content being associated with the entertainment event; and wherein the streaming content is provided to a particular one of the portable electronic devices in response to receiving feedback information from the particular portable electronic device (see col. 7 lines 60-col. 8 lines 50).

As to claim 54, Glorikian teaches the method of claim 52, wherein the information received from at least one of the portable electronic devices includes the particular location of the entertainment event (see col. 7 lines 60-col. 8 lines 50).

As to claim 55, Glorikian teaches the method of claim 52 wherein said event is a live event that includes at least one of a movie theater event, a sporting venue event, or a sports bar event (see col. 7 lines 60-col. 8 lines 50).

As to claim 56, Glorikian teaches the method of claim 52 wherein the information includes one or more real user profiles with authentic information related to system users, the portable electronic devices enforcing a strict security protocol to protect the real user profiles, the strict security protocol including an encryption procedure to encrypt the real user profiles prior to transmitting the real user profiles.

As to claim 57, Glorikian teaches t e method of claim 52 wherein the information include: one or more device profiles with configuration and functionality information for the portable electronic devices, the device profiles being automatically maintained and updated by the portable electronic devices (see coo. 2 lines 46-54).

As to claim 58, Glorikian teaches t he method of claim 52 wherein the information includes one or more network profiles with configuration and functionality information for an electronic network used by the portable electronic devices, the network profiles being automatically maintained and updated by the portable user devices (see col. 14 lines 14-51).

As to claim 59, Glorikian teaches t he method of claim 52 wherein the information includes one or more personality profiles with authentic information regarding selected personal attributes of the persons operating the portable electronic devices, the persons creating and locally storing the personality profiles by utilizing the portable electronic devices (see col. 14 lines 14 lines 15-65).

As to claim 60, Glorikian teaches the method of claim 52 wherein the information includes one or more character profiles with non-authentic information regarding selected identification characteristics of the persons operating the portable electronic devices, the persons creating and locally storing the character profiles by utilizing the portable electronic devices, the character profiles including user nicknames (see col. 14 lines 65-col. 15 lines 17).



As to claim 61, Glorikian teaches the method of claim 52 wherein one or more of the persons operating the portable electronic devices create and send requests for profiles (see col. 2 lines 46-54).

***Response to Arguments***

4. Applicant's arguments have been fully considered but are not persuasive. Applicant argues in substance that Glorikian does not disclose each logon request comprising device profile information associated with the portable electronic device.

In response, Glorikian teaches a system and method for presenting information to users according to their physical location of the portable device. The user logs on to the server, the portable device sends the geographic location of the device to the server (see col. 7 lines 60-col. 8 lines 55). There is no limitation in the claim on the content of the profile of the device such as for example device capabilities and therefore the geographic location of the portable device is meets the scope of the claimed limitation "device profile information".

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A. El-chanti whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hussein El-chanti

Jan. 9, 2006

  
ARIO ETIENNE  
PRIMARY EXAMINER